

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOSEPH DEBIASI, Individually)
and on Behalf of All Others)
Similarly Situated,)

Plaintiff,)

v.)

CARDINAL PIZZA, LLC,)

Defendant.)

Civil Action File No:
5:22-cv-294-MTT

DEFAULT JUDGMENT

Before this Court is Plaintiff's Renewed Motion for Default Judgment ("Motion") against Defendant Cardinal Pizza, LLC. After reviewing all the pleadings and Plaintiff's Motion and all exhibits to Plaintiff's Motion, this Court finds, orders, and decrees:

FINDINGS

1. Plaintiff Joseph DeBiasi filed his Original Complaint against Defendant Cardinal Pizza, LLC on August 10, 2022, alleging facts and claims minimum wage violations.

2. Plaintiff served Defendant with the Complaint and Summons on September 16, 2022, and filed the Proof of Service on February 20, 2023.

3. Defendant's deadline for filing and serving an Answer or Motion to Dismiss was January 6, 2023.

4. Defendant failed to timely serve or file any responsive pleading.

5. On January 31, 2023, the Court granted Plaintiff's Motion for Clerk's Entry of Default Judgment.

6. After denial of Plaintiff's initial Motion for Default Judgment, Plaintiff filed his Renewed Motion for Default Judgment, which provided an adequate basis for this Court to determine Plaintiff's vehicle expenses.

7. Pursuant to Rule 55, Plaintiff is entitled to a judgment by default against Defendant as a result of Defendant's failure to file any responsive pleading herein within the time allowed by the Rules.

8. Defendant failed to pay Plaintiff federal minimum wage.

9. Plaintiff's unpaid wages equal \$8,329.29. Under applicable laws, Plaintiff is also entitled to an equal amount as liquidated damages. Therefore, Defendant is liable to Plaintiff for a total of \$16,658.57.

10. Furthermore, because Defendant failed to pay minimum wage, as of the date of this Order, Plaintiff had accrued \$5,713.94 in reasonable attorney fees and costs.

ORDER AND JUDGMENT

WHEREFORE, this Court hereby GRANTS Plaintiff Joseph DeBiasi's Renewed Motion for Default Judgment and ORDERS the following relief to Plaintiff:

1. Defendant shall pay to Plaintiff the amount of \$16,658.57 for unpaid wages and liquidated damages;
2. Defendant shall pay to Plaintiff the amount of \$5,713.94 for attorney fees and costs; and
3. This Court retains jurisdiction to enforce this Judgment.

IT IS SO ORDERED this ____ day of July, 2023.

Honorable Marc T. Treadwell
Chief District Judge